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October 15, 2021

BY ECF

Hon. Lewis A. Kaplan
United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *United States v. Andreea Dumitru*, 18-cr-243 (LAK)

Dear Judge Kaplan:

I am writing to update the Court on the status of the above-referenced matter, specifically as it relates to my appointment as Ms. Dumitru's CJA counsel for purposes of making a motion for compassionate release.

By way of background, on November 19, 2018, Ms. Dumitru was convicted after trial of asylum fraud, making false statements in asylum applications, and aggravated identity theft. She was sentenced on May 8, 2019, to a total term of 60 months' imprisonment, inclusive of the 24-month mandatory minimum for aggravated identity theft. Ms. Dumitru appealed her aggravated identity theft conviction and her sentence to the Second Circuit Court of Appeals, for which I and Susan C. Wolfe were appointed to represent her under the Criminal Justice Act (CJA). Ms. Dumitru's appeal and a subsequent petition for rehearing or rehearing *en banc* were denied on March 22, 2021, and June 28, 2021, respectively. Ms. Wolfe and I are presently representing Ms. Dumitru on a petition for *certiori*, to be filed on or before November 26, 2021.

After sentencing, Ms. Dumitru was transferred to the camp at FCI Danbury. As the Court is aware, in or around March 2020, COVID-19 was declared a global pandemic and, despite the Bureau of Prisons' implementation of measures and protocols to reduce transmission of the virus, there was widespread infection among inmates. In early April 2020, the Department of Justice declared that FCI Danbury was one of several "hotspots" of COVID-19 infections in the federal prison system.¹ In late February 2021, I requested

¹ See Memorandum for the Director of the Bureau of Prisons from Attorney General William Barr regarding Increasing Use of Home Confinement at Institutions Most Affected By COVID-19, dated April 3, 2020, available at <https://politi.co/35BsYh9>.

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that Your Honor appointment me under CJA to represent Ms. Dumitru on a motion for Compassionate Relief pursuant to 18 U.S.C. § 3582 (c)(1)(A)(i). Your Honor granted my request on March 9, 2021. Approximately two weeks later, the Second Circuit denied Ms. Dumitru's appeal, and she requested that I file a petition for rehearing rather than a motion for compassionate release. In early June, pending decision on the rehearing petition, the Warden at FCI Danbury informed Ms. Dumitru that she would be released to home confinement under the CARES Act. FCI Danbury finally effectuated her release on or around August 5, 2021.

In recent weeks, Ms. Dumitru has been in contact with several inmates from the camp at FCI Danbury who were released to home confinement and have been called back to the facility to continue serving their sentence. In the event that Ms. Dumitru has to return to the camp at FCI Danbury, we would consider making a motion for compassionate release on her behalf.

I appreciate the Court's time and attention to this matter.

Respectfully submitted,



s/Diane Fischer